

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

**RECEIVED**

DEC - Y 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of	)	
	)	
Rules and Regulations Implementing the	)	CC Docket No. 02-278
Telephone Consumer Protection Act of 1991	)	CC Docket No. 92-90
	)	

**Comments of VeriSign, Inc.**

VeriSign, Inc. ("VeriSign") (f/n/a Illuminet, Inc.) hereby files these comments in response to the Commission's Notice of Proposed Rulemaking ("NPRM"), FCC 02-250, released September 18, 2002, in the above-captioned proceedings. Among other matters, the Commission seeks comments on whether the Commission's rules need to be revised in order to more effectively carry out Congress' directives in the Telephone Consumer Protection Act of 1991 ("TCPA"). Specifically, the Commission seeks comments on rules governing unwanted telephone solicitations and the use of automatic telephone dialing systems, pre-recorded or artificial voice messages and telephone facsimile machines. Further, the Commission seeks comments on the effectiveness of company specific do-not-call lists, invites discussion on the merits of establishing a national do-not-call list and how such action might be taken in conjunction with the Federal Trade Commission's ("FTC") proposal to adopt a national do-not-call list as well with various state do-not-call lists

**II. VeriSign Background**

VeriSign, Inc. is the leading provider of digital trust services, which include four core offerings - Web presence services, telecommunication support services, security

services, and payment services.<sup>1</sup> VeriSign's global infrastructure manages more than seven billion network connections and transactions a day. VeriSign has experience in the implementation, technology and administration of databases and offers its experience and expertise in comments to the questions posed in this NPRM on how current technology can further the Commission's desire to fulfill the policy goals of TCPA.

VeriSign does not take a position on the debate regarding a national vs. state do not call list solution as today's technology will allow either or both options to successfully protect telephone consumers' privacy rights. The Commission is best suited to hear the merits of the various options and make the policy determination of what system will meet the public interest. The purpose of VeriSign's comments is to assure the Commission that the impediments it found in 1992 to the establishment of do-not-call requirements are no longer obstacles to the development of either state or national do-not-call databases. In fact, either option is superior to the company-specific do-not-call lists option adopted earlier by the Commission as they place fewer demands on telephone end users seeking heightened privacy as well as offer economies of scale to both telemarketers and carriers. Technological developments have now overcome the Commission's 1992 findings that such a database would be "costly, difficult to maintain in accurate form, and might jeopardize the security of telemarketer proprietary information or the privacy of telephone subscribers who paid to have unpublished or unlisted numbers."

---

<sup>1</sup> VeriSign Telecommunication Division was formed when Illuminet was acquired by VeriSign, Inc. in 2001.

*Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Report and Order, 7 FCC Red 8752, 8758-61, paras 11-15 (1992).

### III. Use of CPE

It is apparent from the growing numbers of consumer complaints regarding telemarketing calls that has led to the FTC rulemaking, this instant proceeding, and the establishment of 25 state do-not-call lists, that the solution established in 1992 has not adequately met the goals of TCPA. Company specific do-not-call lists have proven unsatisfactory due to the difficulty of keeping lists current, the requirements of consumers having to request inclusion on numerous do-not-call lists and the effort required of telemarketers to match consumers on their do-not-call lists to scrub them from their calling process. To aid the process of maintaining current lists, companies have used Customer Provided Equipment (“CPE”) based solutions that attempt to block calls being made to numbers on do-not-call lists. While this was an improvement on manual purging of lists of out-dated data, the CPE solutions have drawbacks that have resulted in the calling public seeking greater reforms. Being equipment and office location dependent, CPE solutions are not compatible with all calling equipment (most importantly, predictive dialers) and have made little inroad with industries using computer-based dialing. Further, it requires a user to “log on” and use special dialing instructions, and can incur extended call processing times and additional costs to the call center.

### IV. The Network Solution

The Commission asks, “whether network technologies have been developed over the last decade that may allow consumers to avoid receiving unwanted telephone solicitations.”<sup>3</sup> The answer is an unequivocal yes, and in fact, VeriSign is entering the marketplace currently with a SS7 network based solution that overcomes the

---

<sup>3</sup>NPRM at Paragraph 21

ineffectiveness and high costs of the Commission's earlier solutions. The use of the SS7 network and technology will give consumers greater assurances of privacy at the level they desire while providing telemarketing companies effective out bound do-not-call compliance with minimal cost and effort. VeriSign's service offering is a carrier network based do-not-call service utilizing SS7, which blocks outbound calls to numbers on all do-not-call lists including national, state mandated, proprietary, and third party lists. VeriSign's service is hosted on its SS7 network on a Service Control Point ("SCP"). VeriSign, working with a third party administrator, maintains a master database of national, state and third party do-not-call lists and updates the master database in near real time as state or national databases are modified, using a service management system ("SMS")

With this technology, VeriSign provides do-not-call screening to its carrier customers for all outgoing calls from the carrier customer's telemarketing customers. If a number appears on the do-not-call list, the call is blocked by the carrier and a "restricted number" message is played for the telemarketer. Special information tones are embedded in the VeriSign "restricted number" message in order to block calls originating from predictive dialers. Telemarketers administer their own databases through VeriSign's third party partner's web based interface. **As** part of the do-not-call service, VeriSign supports the cumbersome task of obtaining and downloading the various state and third party do-not-call lists on behalf of the telemarketers. Since this service is offered through existing telephone carrier networks there is no need for additional hardware or software. Telephone companies seeking to support telemarketer's compliance with do-not-call rules can offer an SS7 network service to their telemarketing customers as they would

any other value-added service such as Caller ID, Line Information Database and Local Number Portability.

#### V. Advantages of a Network Solution

The flexibility of a SS7 network based do-not-call service responds to many of the policy questions posed by the Commission in this proceeding. It can work with multiple do-not-call lists including national, state, third party or telemarketer specific lists. It also meets the requirements outlined in the FTC inquiry<sup>4</sup>. Once the policy makers establish the framework for enhancing consumer privacy from telemarketing calls, the SS7 network based solution provides the tools today to meet this consumer issue effectively and efficiently. A SS7 network based solution for do-not-call capability can collect information from multiple databases and manage the data so customers who have their names in various state, national or third party databases will not have calls placed to them by telemarketers. The master database is continually updated by way of a Service Management System ("SMS"). The SMS's role in the network based do-not-call service is to interface to numerous (virtually all of the hundreds that could be created) disparate databases and process the data into the network based master database. As individual, state, or national databases are modified, the SMS can, in near real time, update the data in the network master do-not-call database. The SMS would function similar to the Number Portability Administration Center ("NPAC") SMS associated with the Commission's mandate of local number portability

---

<sup>4</sup> See *Telemarketing Sales Rule, Notice of Proposed Rulemaking*, Federal Trade Commission, 67 Fed. Reg. 4492 (January 30, 2002) (FTC Notice)

## VI. Other Technical/Economic Issues

While VeriSign does not comment on many of the issues raised in this proceeding as they are often policy in nature and more suited to others to debate, we will respond to a number of administrative and technological queries made by the Commission to offer assurance that a SS7 network based solution will offer the Commission the means to achieve the goal of maximizing customer privacy with an efficient and economical service.

The Commission has posed the issue of whether a national do-not-call list would allow telephone customers to receive calls from some telemarketers and not from others as they may want to avail themselves of some specific telemarketing information or receive contacts from some non-profit telemarketers while maintaining their privacy from other telemarketers. The SS7 network based service easily supports this level of end user customer selectivity. A telemarketer can maintain their own private list that contains the telephone numbers of clients who have specifically told the telemarketer that they may be contacted despite their appearance on state or federal do-not-call lists. The service logic will override the federal or state do-not-call list for calls from that telemarketer to that customer.

The Commission has invited comments regarding telemarketing to wireless consumers. Most telemarketers do not knowingly call wireless numbers. However, wireless numbers may be called since predictive dialers currently in use are loaded with a range of telephone numbers and do not have the ability to differentiate between wireline and wireless phones. The SS7 network solution offers the capability of screening wireless

numbers and provides special tones to prevent calls to wireless numbers from predictive dialers, making the network solution even more responsive to the industry needs.

Another concern expressed by the Commission regards the technological tools that would allow telemarketers to recognize numbers that have been ported from wireline to wireless or to recognize wireless numbers that have been assigned from a pool of numbers that formerly were all wireline. VeriSign notes that an interesting aspect of a SS7 network do-not-call solution is that when a telemarketer places a call, the calling number is known to be a line that requires a do-not-call database lookup by the local switch. The local switch then queries the network master do-not-call database via a SS7 TCAP message to determine whether the called number has requested that the call be blocked. The do-not-call database could easily be modified to query the Local Number Portability ("LNP") database, which has the information about whether the number is ported or pooled. If the number is not pooled or ported then the dialed number reflects the actual routing number. If the number is ported or pooled, the LNP database will return the location routing number ("LRN") to the do-not-call database. By deploying an additional database that maps LRNs to wireless mobile switching centers ("MSCs"), the network can determine whether the number is a ported or pooled wireless number and block the call accordingly.

The Commission asked for comments on its 1992 findings that a national database would be costly and difficult to establish and maintain in a reasonably accurate form. VeriSign responds that the tremendous success of the LNP database infrastructure which has ported over 30 million numbers to date in real time suggests a network do-not-call solution can be just as effective and affordable as the LNP model. The costs of

a network do-not-call solution are largely independent of the number of separate do-not-call databases other than for additional links to the additional databases. An accurate database can best be assured through a network do-not-call solution. When a customer updates their number information into any of the separate do-not-call databases real time updates to the SS7 network master database will occur, much like the LNP infrastructure today.

As the Commission notes, Section 227(c) (3) of the TCPA<sup>5</sup> enumerates a number of specific requirements that the Commission must satisfy in adopting a national database. While VeriSign takes no position on whether a national do-not-call database should be established, VeriSign suggests that a SS7 network based do-not-call solution will reasonably assure that telemarketing calls will not reach the telephone number of any subscriber listed in the do-not-call databases. The VeriSign SS7 network do-not-call service is being made available to telecommunication carriers on a per dip basis and the carrier may or may not pass on this cost to their telemarketer customers. A precondition for the use of the network master do-not-call database is that the telemarketer pay any applicable license fees for the do-not-call lists they have selected to use.

## VII. Conclusion

VeriSign believes customers are demanding increased communication privacy and control over telemarketing calls. The FCC and FTC are correct in exploring ways of increasing consumer control over unsolicited calls. VeriSign offers no opinion on whether the FCC should adopt a national do-not-call list or to allow the states to follow and expand on the requirements of the 25 states who now have some form of do-not-call

---

<sup>5</sup> 47 U.S.C. 227(c) (3) (A-L)



list. VeriSign's purpose in commenting is to assure the FCC that there is a solution in the marketplace today, which will allow either a centralized or decentralized do-not-call database to further the goals of the TCPA. A network solution employing SS7 technology is the best way to respond to consumer interests who seek to limit their exposure to telemarketing calls. It is accurate, efficient, affordable and requires minimal lead-time for telephone carriers to implement. The FCC need not be hesitant in ordering a solution to telephone stakeholders who complain of telemarketing calls. Unlike in 1992, the technology of today and the telephone network now offers a realistic and workable solution using a network-based solution via the SS7 system.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert Wienski". The signature is written in a cursive style with a horizontal line underneath.

Robert Wienski  
Vice President  
Intelligent Network Services  
VeriSign  
4501 Intelco Loop SE  
Lacey WA 98503